

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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**NEVILLE SEYMOUR DAVIS,**

**Plaintiff,**

**vs.**

**ALBERTO BENBASSAT, et al.,**

**Defendants.**

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) **ECF Case**  
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) **Case No. 09 Civ. 2558 (RMB)**  
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**NOTICE OF ALBERTO BENBASSAT, STEPHANE BENBASSAT,  
GENEVALOR, BENBASSAT & CIE, GERALD J.P. BRADY, DANIEL  
MORRISSEY, DAVID T. SMITH, THEMA ASSET MANAGEMENT LIMITED  
AND THEMA INTERNATIONAL FUND PLC'S MOTION TO WITHDRAW  
THE REFERENCE TO THE UNITED STATES BANKRUPTCY COURT**

PLEASE TAKE NOTICE that upon (1) the Memorandum of Law in Support of Defendants' Joint Motion to Dismiss and Opposition to Plaintiff's Motion to Amend Complaints, filed on June 29, 2011, in 09-Civ-0289 (RMB) (HBP) at Docket No. 253 and (2) the Declaration of Michael E. Wiles in Support of Motions to Dismiss the Above-Captioned Action, filed on June 29, 2011, in 09-Civ-2558 (RMB) at Docket No. 57, the undersigned Defendants, through their counsel, will move this Court at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, Courtroom 21B, New York, New York, at a date and time to be determined by the Court, for an order pursuant to Rules 9(b), 12(b)(1), 12(b)(2), 12(b)(3), 12(b)(6), 15 and 44.1 of the Federal Rules of Civil Procedure and pursuant to 15 U.S.C. § 78bb(f)(1) dismissing Plaintiffs' consolidated

amended complaints and denying Plaintiffs' Joint Motion for Leave To Amend Complaints.

Dated: New York, New York  
June 30, 2011

/s/ Michael E. Wiles  
Michael E. Wiles  
Joseph P. Moodhe  
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Stephane Benbassat, Genevalor, Benbassat  
& Cie, Gerald J.P. Brady, Daniel  
Morrissey, David T. Smith, Thema Asset  
Management Limited and Thema  
International Fund plc (for purposes of this  
motion and other preliminary proceedings)*